

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION**

**HUNTER DOSTER, et al.,**

Plaintiffs,

v.

**FRANK KENDALL, et al.,**

Defendants.

No. 1:22-cv-00084  
Hon. Matthew W. McFarland

**DEFENDANTS' NOTICE OF DR. MARKS' RENEWED MOTION TO QUASH**

Defendants file this notice to inform the Court and Plaintiffs that Dr. Peter Marks has renewed his motion to quash Plaintiffs' notice seeking his deposition.

Pursuant to the jurisdictional provisions Rule 45, Dr. Marks, who is not a party to this action, filed his motion to quash in the United States District Court for the District of Maryland, which is the court for the district where he was directed to comply in the original deposition notice. After Dr. Marks filed a motion to quash, Plaintiffs rescinded the notice of deposition on February 6, 2023. Since the notice of deposition was rescinded, Dr. Marks moved to withdraw his motion to quash earlier today. This afternoon, Plaintiffs reissued a notice of deposition to Dr. Marks, purporting to require a deposition in Cincinnati.

Since Plaintiffs reissued their notice of deposition, Dr. Marks has renewed his motion to quash in the District of Maryland for the same reasons in the original motion, and

for the additional ground that the notice purports to require compliance “beyond the geographical limits specified in Rule 45(c).” Fed. R. Civ. P. 45(d)(3). A copy of Dr. Marks’ renewed motion is attached.

Dated: February 6, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On February 6, 2023, I electronically submitted the foregoing document using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Zachary A. Avallone  
Zachary A. Avallone  
Trial Attorney  
U.S. Department of Justice